

REMARKS

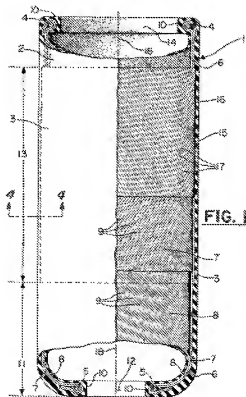
Claims 1-3, 12 and 15 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Warmuth, II et al. (U.S. Pat. No. 4,741,517, hereinafter "Warmuth") in view of Hirtreiter et al. (U.S. Pat. No. 3,897,941, hereinafter "Hirtreiter"). This rejection is respectfully traversed.

At the outset, Applicant notes that there is simply no motivation for the combination and modifications suggested by the Examiner. Specifically, Applicant notes that claim 1 specifically recites "an elastomer body having first and second ends configured to be coupled to first and second structures" and that the first and second cords extend "from said first end to said second end." The Examiner indicates that "Hirtrieter is merely used only for the known teaching of differential helix angle in the range of approximately 0 to 5 degrees or 0 to 2.5 degrees." The motivation for the combination and modifications suggested by the Examiner is merely that "[i]t would have been obvious to one of ordinary skill in the art to modify the cords of Warmuth with the helix angle of the first cord is greater than the helix angle of the second cord and the differential helix angle is in the range of approximately 0 to 5 degrees or 0 to 2.5 degrees, as taught by Hirtrieter et al., in order to optimize the dynamic flexibility of the sleeve depending upon the type of application."

In Hirtreiter, cords 17 are part of reinforcement 16, which is part of connecting portion 13. As clearly seen in Figure 1 below, connecting portion 13 does not extend the length of body 2. Specifically, portion 13 (shown in Figure 1) stops short of extending to either end. As indicated in Hirtreiter, "[t]he body 2 includes a flexing portion 11 at one peripheral end 12 thereof and a non-flexing generally cylindrical connecting portion 13 extending longitudinally or axially of the member 1 between the flexing portion 11 and the opposite peripheral end portion 14 thereof to join or connect these portions." (col. 4, lines 42-47). The Examiner appears to be impermissibly picking and choosing among the individual elements of the references.



"Virtually all inventions are necessarily combinations of old elements. The notion, therefore, that combination claims can be declared invalid merely upon finding similar elements in separate prior patents cannot be the law under the statute, Section

103.” Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1575, 1 USPQ2d 1593, 1603 (Fed. Cir. 1987). The air spring sleeve of claim 1 accounts for a torsional imbalance inherent in air spring sleeves having inner and outer plies with identical cord helix angles. This torsional imbalance is due to the fact that one of the plies is disposed inwardly of the other, resulting in different diameters for the plies.

The air spring sleeve of claim 1 remedies this torsional imbalance by having the first cord disposed inwardly of the second cord at a helix angle greater than the helix angle of the second cord. While the Examiner submits that Hirtreiter teaches the claimed differential helix angle, there is no reason to modify Warmuth based on these features because there is no suggestion in either of the references to account for a torsional imbalance with a cord differential helix angle. Without the claimed extent of the cords between first and second ends of the elastomer body the torsional load is not effectively transmitted through the cord members and the benefit of the claimed airspring sleeve is not fully attained. As such, the combination of references cited by the Examiner cannot properly be seen as teaching the invention of claim 1, as a whole.

Any motivation for the combination and modifications cited by the Examiner appears to come from Applicant’s own disclosure. Applicant respectfully reminds the Examiner that “[t]he invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time. The invention must be evaluated not through the eyes of the inventor, who may have been of exceptional skill, but as by one of ‘ordinary skill.’” Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). Applicant therefore submits that claim 1 is in condition for allowance.

Claims 2, 3, 12, and 15 depend from claim 1 and should therefore be in condition for allowance for the reasons set forth above regarding claim 1. Therefore, reconsideration and withdrawal of the rejection of claims 1-3, 12, and 15 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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